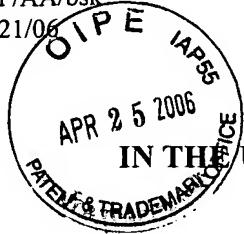


NSP/AA/bsk
04/21/06



PATENT APPLICATION
DOCKET NO. 3518.1010-000 (DEP5077) *IFW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hassan Serhan, Michael Slivka and Thomas M. DiMauro

Application No.: 10/675,580 Group: 3733

Filed: September 30, 2003 Examiner: James L. Swiger, III

Confirmation No.: 9958

For: Vertebral Fusion Device and Method for Using Same

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

April 21, 2006 Betsy S. Kirschner

Date Signature

Betsy S. Kirschner

Typed or printed name of person signing certificate

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Preliminary Amendment and Reply to Restriction Requirement for filing in the above-identified application.

- Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The claims fee has been calculated as shown below:

					SMALL ENTITY	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	36	MINUS	* 36	0	X \$25	\$
INDEP	3	MINUS	** 3	0	X \$100	\$
					+ \$180	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						

* not fewer than 20
 ** not fewer than 3

TOTAL= \$ 0 TOTAL= \$ 0

The Application Size Fee has been calculated as shown below:

(Effective for cases filed on or after December 8, 2004)

Actual Sheets (Including current amendment)	Highest No. of Sheets Paid For (At least 100)	No. of Additional Units Required (Increments of 50 sheets)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
			Rate	Total Amount Owed	Rate	Total Amount Owed
			X \$125	\$[]	X \$250	\$[]

Payment
Sufficient for
up to
[] Sheets

Petition for Extension of Time

- [] Applicant hereby petitions to extend the time to respond to the [] dated [] for [] month(s) from [] to []. The appropriate fee is set forth below.
- [] [For action-specific language in an extension of time, go to insert, file, public folders, firm templates, and select the appropriate paragraph.]

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [] month Extension of Time	\$ _____
<input type="checkbox"/>	Claims Fee	\$ _____
<input type="checkbox"/>	Application Size Fee	\$ _____
<input type="checkbox"/>	Other Fees: _____ _____	\$ _____ \$ _____
		TOTAL: \$ <u> </u> 0

A check is enclosed in payment of the following fees:

<input type="checkbox"/>	Petition for [] month Extension of Time	\$ _____
<input type="checkbox"/>	Claims Fee	\$ _____
<input type="checkbox"/>	Application Size Fee	\$ _____
<input type="checkbox"/>	Other Fees: _____ _____	\$ _____ \$ _____
		TOTAL: \$ <u> </u> 0

- [X] Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By _____

N. Scott Pierce

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Concord, Massachusetts 01742-9133

Dated:

4/21/06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hassan Sherhan, Michael Slivka, and Thoms M. DiMauro

Application No.: 10/675,580 Group: 3733

Filed: September 30, 2003 Examiner: James L. Swiger III

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April 21, 2006 Betsy S. Kirschner

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Betsy S. Kirschner

Typed or printed name of person signing certificate

PRELIMINARY AMENDMENT AND REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is being filed in response to the Office Action mailed from the U.S. Patent and Trademark Office on March 21, 2006 in the above-identified application. Reconsideration and further examination are requested.

Please amend the application as follows: